

Exhibit No.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RAYMOND WARE,) CIVIL NO. 04-00671 HG LEK

)

Plaintiff,)

)

v.)

)

MICHAEL CHERTOFF, Secretary,)
DEPARTMENT OF HOMELAND)
SECURITY,)

Defendant.)

)

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII10 MAR 20 2008
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SUE BEITIA, CLERK edanVERDICT FORM

1. Has the plaintiff proved by a preponderance of the evidence that the plaintiff's race and/or prior Equal Employment Opportunity ("EEO") complaint was a motivating factor in the defendant's decision to promote three other individuals to screening manager instead of plaintiff in August 2003?

 YES NO

If you answered "NO" to question number 1, you have rendered your verdict. Skip the remaining questions, have the Foreperson sign this verdict form, and advise the Court that you have reached a unanimous verdict.

If the answer to Question No. 1 is "YES," proceed to Question No. 2.

2. Has the defendant proved, by a preponderance of the evidence, that the defendant would have made the same decision not to promote plaintiff even if the plaintiff's race and/or prior EEO complaint had played no role in the defendant's decision not to promote plaintiff?

 YES NO

If your answer to Question No. 2 is "NO," proceed to Question 3.

If your answer to Question No. 2 is "YES," you have rendered your verdict. Skip the remaining question, have the Foreperson sign this verdict form, and advise the Court that you have reached a unanimous verdict.

3. What sum of money, if any, do you unanimously agree will fairly and reasonably compensate plaintiff for the injuries he proved he suffered as a result of the race and/or retaliation discrimination you found?

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JURY CERTIFICATE

THE VERDICT MUST BE UNANIMOUS AND MUST BE SIGNED BY THE JURY
FOREPERSON.

Jennifer Bunkley
Foreperson